IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 20491 of 2002

Between:

R. Sreenivasa Rao, s/o. Narasimha Rao,

Hindu, aged about 32 years, Unemployee,

R/o. Mangalagiri, Guntur District.

..... PETITIONER

AND

The Regional Manager,

A.P. State Road Transport Corporation,

Guntur Region, Guntur.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more in the nature of Writ of Mandamus, directing the respondent, to implement the Office Order No.02/122(58)/95-RM(G), dated 27-10-1995 granting the licence to the petitioner to execute the work of Sweeping and Cleaning of Mangalagiri Bus Station by declaring that the petitioner is entitled to have licence for executing the said work, and further declaring that the proposed action of the respondent in calling fresh tenders in respect of the said work, is highly arbitrary, illegal, violative of Articles 14 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.C.RAMACHANDRA RAJU

Counsel for the Respondent: MR.R. MANMADHA REDDY

Counsel for APSRTC

The Court made the following:

ORDER:

Petitioner was awarded a contract for sweeping and cleaning of Mangalagiri Bus Station by the proceedings of the respondent dated 27-10-1995. The contract could, however, not be effectuated and the work awarded to the petitioner, on account of the previous contractor having filed a writ petition No.23810 of 1995 before this Court and obtaining stay of the respondent's proceedings dated 27-10-1995. Eventually, the writ petition was dismissed in April, 2002. The petitioner appears to have made enquiries with the respondent and having been informed of the stay granted by this Court in the writ petition, was content that the respondent would safeguard his interest as well. After learning about the dismissal of the writ petition No.23810 of 1995, the petitioner made a representation dated 24-04-2002 to the respondent requesting that he be allowed to do the work now since his Earnest Money Deposit is lying with the Corporation since 1995. There was no response to his representation. However, the respondent on 03-10-2002 issued a tender notification inviting tenders for the same work for the current period. Aggrieved and claiming betrayal of his legitimate expectation of being permitted to do the work for the period of one year, since the earlier contract by the order of the respondent dated

27-10-1995 could not be effectuated, the writ petition is filed.

The writ petition is misconceived. The contract was awarded on 27-10-1995 for a period of one year. True it is that the contract could not be effectuated. In which event, the petitioner could have claimed damages from the respondent,
if such remedy were available in law or he could have taken effective steps to have his rights protected by impleading himself in the said earlier writ petition. At any rate, he should have been put on notice by the fact that despite the order of the respondent dated 27-10-1995, work was not awarded to him. Had he made the requisite enquiries he would have learnt of the pending litigation and he ought to have taken effective steps for safeguarding his rights under the contract dated
27-10-1995. As the petitioner did not do so, this constitutes absence of due diligence. The writ petitioner was indolent. The writ petition has no merits.

The writ petition is dismissed. No costs.

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GODA RAGHURAM, J

16th December, 2004

lsn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Manager,

A.P. State Road Transport Corporation,

Guntur Region, Guntur.

2. Two CD copies